

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Gabriel Valley Water Company (U337 W) for Authority to Increase Rates Charged for Water Service in its Fontana Water Company Division to increase revenues by \$5,662,900 or 13.1% in July 2006; by \$3,072,500 or 6.3% in July 2007; and by \$2,196,000 or 4.2% in July 2008.

Application 05-08-021
(Filed August 5, 2005)

**CHIEF ADMINISTRATIVE LAW JUDGE RULING
ON AUTOMATIC REASSIGNMENT**

The Commission's Rules of Practice and Procedure, Rules 63.1-63.10 specify the exclusive means for a party to a proceeding to request reassignment of that proceeding to another Administrative Law Judge (ALJ). These rules provide for three forms of Petition for Reassignment: automatic (Rule 63.2), unlimited peremptory (Rule 63.3), and cause (Rule 63.4). The first two, automatic and peremptory, are only available in proceedings categorized as adjudicatory or ratesetting.

On August 31, 2005, City of Fontana (City) filed a Petition for Automatic Reassignment of this proceeding to another ALJ. This Petition was filed under Rule 63.2, and thereby seeks automatic reassignment. As provided in Rule 63.2(b), I am issuing a ruling on this Petition.

A properly supported Petition seeking automatic reassignment can only be filed by a party or a person or entity declaring the intention in good faith to become a party to a ratesetting proceeding. A party is entitled to petition only once for automatic reassignment. Further, no more than two automatic reassignments per ratesetting proceeding are permitted (Rule 63.2(b)). Finally, any such petition must be filed timely.

Timely Filed

The Rules require this petition to be filed no later than 10 days after the date of the notice of the assignment. In this proceeding, notice of the assignment occurred for

purposes of Rule 63.2 on August 26, 2005. The assignment of the matter appeared in the Commission's Daily Calendar on August 26, 2005, after the Commission preliminarily categorized this matter as a ratesetting proceeding during its August 25, 2005 business meeting, pursuant to Resolution ALJ-176-3157. Since the Petition was filed on August 31, 2005, it was timely filed.

Available Procedure

The City intends to become a party to this proceeding. This is the first automatic reassignment petition filed in this proceeding so the procedure is available. This proceeding is categorized as "ratesetting." Automatic reassignment is a form of petition for reassignment appropriate to the category of this proceeding.

Properly Supported

The Rules require that a petition be supported by a declaration under penalty of perjury. This Petition is so supported by Petitioner.

Therefore, **IT IS RULED** that the Petition for Automatic Reassignment, filed by City of Fontana is granted. This proceeding is reassigned to Administrative Law Judge Robert Barnett.

Dated September 9, 2005, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Chief Administrative Law Judge's Ruling on Automatic Reassignment on all parties of record in this proceeding or their attorneys of record.

Dated September 9, 2005, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.